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6 *Attorneys for Defendant Anthony Giarratano*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

11 JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
12 JOHN DOE 4, JOHN DOE 5, JOHN DOE 6,
13 JOHN DOE 7, JOHN DOE 8, JOHN DOE 9,
JOHN DOE 10, JOHN DOE 11, JOHN DOE
14 12, JOHN DOE 13, and JOHN DOE 14,
individually and on behalf of all others
similarly situated.

15 Plaintiff:

16

17 THE UNIVERSITY OF SAN FRANCISCO,
18 ANTHONY N. (AKA NINO) GIARRATANO,
and TROY NAKAMURA.

19 | *Defendant.*

| Case No.: 3:22-cv-01559-LB

STIPULATION REGARDING THE DEFENDANTS' DEADLINE TO RESPOND TO THIRD AMENDED CLASS ACTION COMPLAINT OR POTENTIAL FOURTH AMENDED CLASS ACTION COMPLAINT

1 Pursuant to Civ. L.R. 6-1 and 7-12, Plaintiffs John Does 1 through 14 (“Plaintiffs”), the
2 University of San Francisco (“USF”), and Anthony Giarratano and Troy Nakamura (collectively,
3 “Coach Defendants” and with USF “Defendants”) hereby stipulate as follows:

4 **STIPULATION**

5 WHEREAS, on August 30, 2023, Plaintiffs filed their 125-page Third Amended Class
6 Action Complaint in this action;

7 WHEREAS, the Defendants’ current deadline to respond to the Third Amended Class
8 Action Complaint is September 13, 2023, see Dkt. 133;

9 WHEREAS, USF plans to move to dismiss the Third Amended Class Action Complaint;

10 WHEREAS, in order to effectuate a more orderly and efficient progression of the
11 litigation, the parties have agreed that Coach Defendants’ response to the operative pleading will
12 be due twenty days from date of the Court’s ruling on USF’s motion to dismiss (“the Ruling”) or
13 the deadline stated in the Ruling for USF’s response; and

14 WHEREAS, the parties agree that USF’s response to the operative pleading will be due
15 twenty days from the Ruling or twenty days from the filing of the Fourth Amended Class Action
16 Complaint, unless the Court sets a deadline for USF’s response in the Ruling.

17 THEREFORE, the Parties hereby stipulate and agree as follows:

18 Coach Defendants shall answer or otherwise respond to the Third Amended Class Action
19 Complaint or any amended complaint arising from the Ruling (i.e., Fourth Amended Class
20 Action Complaint, if any is filed) no later than twenty days from the Ruling or any deadline
21 stated in the Ruling for USF’s response;

22 If the Court denies USF’s motion to dismiss, USF shall answer the Third Amended Class
23 Action Complaint no later than twenty days after the Ruling, or by any deadline set for USF’s
24 response in the Ruling. If the Court grants USF’s motion and Plaintiffs file a Fourth Amended
25 Class Action Complaint, USF’s response to that pleading will be due twenty days after that
26 filing, unless the Court sets a different deadline in its Ruling.

27 ///

28 ///

1 SO STIPULATED.

2 Dated: September 12, 2023 Respectfully submitted,

3 FUTTERMAN DUPREE DODD CROLEY MAIER LLP

4 By: /s/ Daniel A. Croley

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12 Anthony Giarratano

13 Dated: September 12, 2023 FEGAN SCOTT LLC

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21 Dated: September 12, 2023 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

22 By: /s/ Jonathan Selbin

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Attorneys for Plaintiffs and
the Proposed Class

29 Dated: September 12, 2023 SCOTT RAPKIN

30 By: /s/ Scott Brian Rapkin

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37 *Attorneys for Defendant*
38 Troy Nakamura

1 Dated: September 12, 2023

STEPTOE & JOHNSON LLP

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10 *Attorneys for Defendant*
11 The University of San Francisco

12 **ATTESTATION**

13 I hereby attest, pursuant to Northern District of California, Local Rule 5-1(h)(3) that
14 concurrence to the filing of this document has been obtained from each signatory hereto.

15 Dated: September 12, 2023

FUTTERMAN DUPREE DODD CROLEY MAIER LLP

16 By: /s/ Daniel A. Croley

17 Daniel A. Croley
18 *Attorneys for Defendant*
19 Anthony Giarratano

20 **ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 _____
23 DATED

24 _____
25 HON. LAUREL BEELER
26 UNITED STATES MAGISTRATE JUDGE
27
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